

STATE CONSTRUCTION INDUSTRY LICENSING BOARD
DIVISION OF CONDITIONED AIR CONTRACTORS
Teleconference Meeting: April 3, 2013

The Georgia State Construction Industry Licensing Board Division of Conditioned Air Contractors met on April 3, 2013, via teleconference, at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

BOARD MEMBERS PRESENT:

Ken Davis, Chairman
Sally Allen
James Poe
George Leneaus
Johnny Lyons

BOARD MEMBERS ABSENT:

Michael Miller, Consumer Member

STAFF PRESENT:

Josh Waters, Executive Director (sitting in for Darren Mickler, Executive Director)
Swan LeGrand-Fleming, Board Support Specialist
Charlotte Mason, Licensing Analyst
Annette Wimberly, Complaint Compliance Analyst

ATTORNEY GENERAL REPRESENTATIVE:

Doris Williams-McNeely, Assistant Attorney General

Call to order:

At 10:02 a.m., Chairman Davis called the meeting to order.

Approval of Open Session Minutes:

Chairman Davis presented a draft of the July 25, 2012, July 26, 2012, and November 14, 2012 Open Session minutes and asked for any additions or deletions. Ms. Allen moved to accept the minutes as presented. Mr. Lyons seconded. The motion carried unanimously.

Executive Director's Report:

Mr. Waters informed the Board of the following change to the Interested Parties list:

Recently, the Professional Licensing Boards Division of the Secretary of State's Office updated their software regarding the Interested Parties list maintained by the Board. The Interested Parties list is a way for the Board to notify licensees, as well as interested parties and associations, of current rules being proposed by the Board. Subscribers of this list are sent electronic notifications each time a proposed rule is being considered by the Board. Any person wishing to receive these notifications must now subscribe to the

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updated Interested Parties list maintained by the Board. Even if you were previously subscribed to receive such notifications, you will need to complete the subscription process again in order to continue receiving notifications from the Board.

If you would like to receive such notifications in the future, please visit the following link to subscribe: <http://sos.georgia.gov/plb/subscribe.htm>

If you choose not to subscribe, you will not receive these notifications from the Board. The proposed rules may always be viewed at the Board's website: <http://sos.georgia.gov/plb/construct/>

Executive Session:

At 10:04 a.m., Mr. Davis moved for the Board to enter into Executive Session to deliberate on examination applications, investigative matters and to receive the investigative report. Ms. Allen seconded. The motion carried unanimously.

The following Board members were present during Executive Session – Ken Davis, Johnny Lyons, George Leneaus, Sally Allen, and James Poe.

Open Session reconvened at 10:29 a.m. with the following Board members present – Ken Davis, Johnny Lyons, George Leneaus, Sally Allen, and James Poe.

Applications:

Ms. Allen moved. Mr. Leneaus seconded and the division voted to approve the examination results and ratify 62 Non-Restricted and 36 Restricted licenses issued from July 25, 2012 - April 2, 2013.

Approval of Executive Session Minutes:

Chairman Davis presented a draft of the July 25, 2012, July 26, 2012, and November 14, 2012 Executive Session minutes and asked for any additions or deletions. Ms. Allen moved to accept the minutes as presented. Mr. Lyons seconded. The motion carried unanimously.

Mr. Davis made a motion to accept the following recommendations regarding investigative cases:

Board Office:

CN210501 - The Board made a recommendation to terminate probation status.

CA100065 – This case involves allegations of substandard work. The Board made a recommendation to close as resolved.

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CA120019 – This case involves allegations of taking money from complainant and not returning to perform work and qualifying two companies. The Board made a recommendation to refer to the Secretary of State's Investigative Services.

CA130043 – This case involves allegations of substandard work. The Board made a recommendation to direct Board staff to contact respondent to come into compliance.

CA130069 - This case involves allegations of substandard and fraudulent work. The Board made a recommendation to refer to the Secretary of State's Investigative Services.

CA130068 – This case involves allegations of substandard work. The Board made a recommendation to close due to no jurisdiction.

CA130052 - This case involves allegations of substandard work. The Board made a recommendation to close due to no jurisdiction.

CA130067 - This case involves allegations of substandard work. The Board made a recommendation to refer to the Secretary of State's Investigative Services.

CA130081 - This case involves allegations of substandard work and failing to initially obtain permit. The Board made a recommendation to direct Board staff to contact respondent to come into compliance.

CA130079 – This case involves allegations of not properly obtaining permits and substandard work. The Board made a recommendation to refer to the Secretary of State's Investigative Services.

CA130051 – This case involves allegations of not having work inspected and substandard work. The Board made a recommendation to direct Board staff to contact respondent to come into compliance.

CA130082 – This case involves allegations of substandard work. The Board made a recommendation to send to the Attorney General's Office for a Consent Order suspending the license for 12 months and mandating that the respondent also complete 16 hours of additional Continuing Education on high efficiency heat/cooling heat pump systems.

Investigations:

CA120133 - This case involves allegations of performing unlicensed Conditioned Air services. The Board made a recommendation to refer this case back to the Secretary of State's Investigative Services for further investigation.

CA120075 – This case involves allegations of fraud. The Board made a recommendation to close as this is a civil matter.

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CA120145 – This case involves allegations of misconduct, unprofessional conduct and intimidation tactics. The Board made a recommendation to send this case to the Attorney General's office to refer to the District Attorney's Office.

CA120108 – This case involves allegations of unlicensed practice. The Board made a recommendation to close with no action.

CA120131 – This case involves allegations of advertising Conditioned Air services. The Board made a recommendation to close with no action.

CA130002 - This case involves allegations of assisting unlicensed practice and unlicensed practice. The Board made a recommendation to send Respondent 1 back to the Secretary of State's Investigative Services to issue a Cease & Desist. As to Respondent 2, the Board made a recommendation to send to the Attorney General's for a Consent Order assessing a \$15,000.00 fine and 5 years' probation for 30 instances of violation of Article 121-6-.01.

CA120120 – This case involves allegations of unlicensed practice. The Board made a recommendation to close due to no violations.

Joseph Tyler Littleton, Quitman - The Board voted to accept the Cease & Desist Order and close.

Dwayne Kelvin Sherman, Hampton- The Board voted to accept the Cease & Desist Order and close.

CA120018 – This case involves allegations of substandard work. The Board made a recommendation to refer this case to the Attorney General's Office for a Consent Order assessing a \$2,000.00 fine and an additional 8 hours of Continuing Education on package unit installation.

CA130004 – This case involves allegations of unlicensed work. The Board made a recommendation to close due to no violations.

CA130025 – This case involves allegations of unlicensed practice. The Board made a recommendation to close due to no violations.

CA130037 – This case involves allegations of advertising Conditioned Air services on Craigslist. The Board made a recommendation to close with no action.

CA130045 – This case involves allegations of unlicensed practice. The Board made a recommendation to close due to no violations.

CA130080 – This case involves allegations of advertising the use of a CN license for a fee. The Board made a recommendation to send to the Attorney General's Office for a Consent Order assessing a \$5,000.00 fine and 5 years' probation.

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CA120129 – This case involves allegations of unlicensed practice. The Board made a recommendation to close due to no violations.

CA120106 – This case involves allegations of unlicensed practice. The Board made a recommendation to close due to no violations.

CA130055 – This case involves allegations and substantiation of unlicensed practice. The Board made a recommendation to send to Attorney General's Office to add to cases already referred to the Attorney General's Office.

CA130014 – This case involves allegations and substantiation of unlicensed practice. The Board made a recommendation to send to the Attorney General's Office to obtain a Cease & Desist or schedule hearing.

CA120111 - This case involves allegations of substandard work. The Board made a recommendation to close due to no violations.

CA120134 – This case involves allegations of advertising Conditioned Air work. The Board made a recommendation to close with no action.

CA130001 – This case involves allegations of unlicensed Conditioned Air services. The Board made a recommendation to close with no action.

Joseph Hooks, Byron - The Board voted to accept the Cease & Desist Order and close.

CA130060 – This case involves allegations of assisting unlicensed practice. The Board made a recommendation to send to the Attorney General's Office for a Consent Order assessing a \$500.00 fine and 1 year probation.

CA130071 - This case involves allegations of unlicensed services. The Board made a recommendation to close due to no violations.

Cottrell W. Bowers, Fayetteville - The Board voted to accept the Cease & Desist Order and close.

CA130022 – **This case involves allegations of unlicensed practice.** The Board made a recommendation to send to the Attorney General's Office to obtain a Cease & Desist or schedule hearing.

Christopher Horn, Rex - The Board voted to accept the Cease & Desist Order and close.

CA120127 - This case involves allegations of substandard work and failing to provide warranties. The Board made a recommendation to send to the Attorney General's Office for a Consent Order assessing a \$2,500.00 fine and 3 years' probation for violation of five rules or statutes.

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CA120125 - This case involves allegations of unlicensed practice. The Board made a recommendation to close due to no violations.

Mr. Leneaus seconded. The motion carried unanimously.

Attorney General's Status Report:

The Assistant Attorney General reported on cases received from the Board. Ms. Allen made a motion to accept the Attorney General's report. Mr. Lyons seconded the motion. The motion carried unanimously.

Derrick Jenkins, Hampton - The Board voted to accept the Cease & Desist Order and close.

Other Business:

The Board reviewed correspondence from John D. Wilson regarding the Manual J 8th Edition for testing. The Board made a recommendation to send a letter.

Chairman Davis challenged the Board to put a program in place like the Journey Plumbers with regards to House Bill 188. Ms. Allen and Mr. Poe agreed.

Mr. Lyons stated that he has been getting calls regarding online testing through AMP.

Adjournment:

There being no further business, at 10:47 a.m., Mr. Poe moved to adjourn. Ms. Allen seconded. The motion carried unanimously.

The next Conditioned Air Board Meeting will be on Wednesday, July 17, 2013 at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

Board Chairperson

Executive Director